



CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #6
June 19, 2014
BZZ-6562

LAND USE APPLICATION SUMMARY

Property Location: 3901 4th Ave S
Project Name: New Home
Prepared By: Joseph.Giant@minneapolismn.gov, City Planner, (612) 673-3489
Applicant: Jeff Quinn
Project Contact: Jordan Kimball
Request: To construct a new single-family dwelling with attached garage.
Required Applications:

Variance	<ul style="list-style-type: none">Variance to reduce the established front yard setback along 4th Ave S from 30 feet to 28 feet, measured to the structure.
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SITE DATA

Existing Zoning	RIA Single-Family District
Lot Area	5,785 square feet / 0.13 acre
Ward(s)	8
Neighborhood(s)	Bryant
Designated Future Land Use	Urban Neighborhood
Land Use Features	NA
Small Area Plan(s)	NA

Date Application Deemed Complete	June 7, 2014	Date Extension Letter Sent	NA
End of 60-Day Decision Period	August 7, 2014	End of 120-Day Decision Period	NA

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is a 5,785 square foot lot located at the southeast corner of 4th Ave S and 39th St E. The property has 89 linear feet of frontage along 4th Ave S and 65 linear feet of frontage along 39th St E. The property is currently vacant. According to historical maps and records the property has been vacant since at least the beginning of the 20th Century.

The property is considered a reverse-corner lot due to the orientation of the surrounding properties. Therefore, it is subject to a front yard setback along two street frontages. The property is subject to an established 30-foot front yard setback along 4th Ave S, and subject to a 20-foot required front yard setback along 39th St E. Although the principal structure on the adjacent lot to the east is only 15 feet from the front property line, front yard setbacks cannot be reduced below the district minimum without a variance. In the RIA Single-Family District the required front yard setback is 20 feet. Thus, the proposed structure must observe a 20-foot setback along 39th St E.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The subject property is located in the RIA Single-Family zoning district in the Bryant neighborhood in south Minneapolis. The predominant land use in the vicinity is low-density single-family homes. The properties on the blocks surrounding the subject lot contain a mix of 1-story, 1.5-story, and 2-story homes.

PROJECT DESCRIPTION. The applicant proposes to construct a one-story single-family home with an attached garage. The proposed gross floor area (GFA) of the home is 1,542 square feet resulting in an FAR of 0.27. The maximum FAR for a single-family home is 0.5. The attached garage would face 39th St E. In order to access the attached garage, a new curb cut 16 feet in width is proposed along 39th St E. The property does not have alley access.

The new home will be subject to administrative site plan review if the variance is granted. With a basement, high-quality exterior materials (Hardie Board siding), pitched roof, ample windows on interior elevations, and a new maple tree in the front yard, the proposed home qualifies for 15 out of 24 possible points that new homes may achieve. New homes must earn at least 15 points to obtain zoning approval.

PUBLIC COMMENTS. Any correspondence received prior to the public meeting will be forwarded to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

In accordance with Chapter 525, Article IX Variances, Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations,” the Department of Community Planning and Economic Development has analyzed the application for variance based on the following findings:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.***

The proposed home is located on a reverse-corner lot. Reverse-corner lots often create a practical difficulty because structures must observe front yard setbacks on two street frontages, substantially limiting the buildable area of the lot.

The principal structure on the adjacent lot to the south is located 30 feet from the front property line at its closest point. Thus, the proposed structure on the subject lot must observe a 30-foot front yard setback. Because the property is a reverse corner lot, the proposed structure must also observe a front yard setback along the 39th St E frontage. The principal structure on the adjacent lot to the east is located 15 feet from the front property line at its closest point. Although the neighboring property is only 15 feet from the front property line, the minimum required front yard setback in the RIA district is 20 feet, so the proposed structure must observe a 20-foot setback from the property line along 39th St E.

The shape of the property is also unique for a residential zoning lot in the RIA district. Typical zoning lots have a width of approximately 40 feet and a depth of approximately 128 feet. The subject lot has a width of 89 feet and a depth of 65 feet. The area of the parcel is larger than typical residential zoning lots, but its unique shape and large setbacks present legitimate difficulties in meeting the zoning code’s provisions regulating the placement of structures.

The designation of this property as a reverse-corner lot and the property’s shallow depth are practical difficulties not created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.***

The proposed use of the subject property is a single-family home with an attached garage. Single-family homes are a permitted use in the RIA district and are the primary land use in the surrounding area.

According to zoning code provisions 530.300 and 537.80, new single-family homes are required to

provide at least one enclosed parking space. If that parking space is located in a detached garage, the garage must be located entirely to the rear of the principal structure. The subject lot has a depth of 65 feet. Both a detached garage and a conforming principal structure could not fit on the lot due to its lack of alley access and lack of depth. The established front yard setback along 4th Ave is 30 feet and the setback on the opposite property line is 5 feet, resulting in a buildable area 30 feet in width. The minimum width of a new home is 22 feet, and the minimum spacing between an accessory structure and a principal structure is 6 feet. Only 2 feet would remain for constructing a detached garage after taking these requirements into account.

Thus, an attached garage is the most practical solution. According to 535.909(d), the width of an attached garage facing the front lot line cannot exceed sixty (60) percent of the width of the entire structure. The width of the proposed garage is approximately 18.3 feet so the entire structure must be at least 30.5 feet wide. The proposed structure has a width of 32 feet. As a result, the proposed structure encroaches 2 feet into the established front yard setback along 4th Ave S, necessitating a variance of the established front yard setback from 30 feet to 28 feet, measured to the structure.

Changing the garage from a two-car garage to a one-car garage would reduce the overall width of the structure and bring it into compliance with the zoning ordinance. However, if two cars were kept on the lot, a one-car garage would force the second car to be parked either in a nonconforming location on the zoning lot¹ or on the street.

The principal entrance of the proposed structure faces 4th Ave S. In order to reinforce the street wall and complete a development pattern exhibited by every other property on the block, Staff recommends the addition of a paved pathway connecting the front of the house to the public sidewalk.

In other respects, the proposed yards are consistent with the character of the area and the future land use map contained in the comprehensive plan.

The floor-area ratio of the home is 0.27, well below the maximum of 0.5.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

The proposed variance will not alter the character of the locality nor will it be injurious to the use or enjoyment of other properties in the vicinity. The property has been vacant since at least the beginning of the 20th Century. According to the applicant, the property is not well maintained and is

¹ 541.260(2)(a). *Parking Areas*: Parking areas shall not be located in a required front or corner side yard.

often overgrown and covered in litter.

According to Chapter 535.220 of the zoning code, setbacks are required by the zoning code in order to create a consistent and predictable development pattern, to avoid development that may be obtrusive to neighboring properties, and to minimize conflicts among land uses by governing the location of uses and structures. The applicant is seeking to reduce the established front yard setback from 30 feet to 28 feet. If the variance is granted then the proposed home will be located 2 feet closer to the front lot line than the adjacent neighbor to the south. The proposed structure will be located 13 feet from the property line shared with the neighbor to the south and 18 feet from the structure. Due to the substantial distance to both the property line and the neighboring structure, a 2-foot variance will likely not have any greater an impact on the neighboring structure than a house built to the established setback line.

A land survey revealed that a 5-foot-tall chain link fence erected by the adjacent neighbor to the south is located on the subject property. According to the survey, the fence encroaches approximately 5 feet into the side yard of the subject property and runs from the sidewalk to the rear of the lot. In an effort to mitigate any potential negative impact on the adjacent neighbor, the applicant does not intend to remove the fence.

Staff finds that the granting of the variance to reduce the established front yard setback from 30 feet to 28 feet to allow for the construction of the new house will not alter the essential character of the area or be injurious to the enjoyment of other property in the vicinity. The proposed home would not be out of character with the size and scale of surrounding homes. The two neighboring houses to the south were both built in 2003. The proposed home has been designed to blend in with these two homes. Besides these two homes and proposed home, the area has received only periodic residential redevelopment over the past decade.

Granting the variance would have no impact on the congestion of area streets or fire safety.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and approve the application for variance at 3901 4th Ave S to reduce the established front yard setback along 4th Ave S from 30 feet to 28 feet, measured to the structure, subject to the following conditions:

1. CPED review and approve final site plan, floor plans, and elevations;
2. A paved pathway will be constructed connecting the principal entrance with the public sidewalk along 4th Ave S.
3. All site improvements shall be completed by June 19th, 2016 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

1. Zoning map
2. Written description of project
3. Variance findings submitted by applicant
4. Authorization letter from property owner
5. Letter to Ward 8
6. Letter to Bryant Neighborhood Association
7. Land survey of existing and proposed conditions
8. Plans and building elevations
9. Renderings
10. Photos
11. Map of original platting
12. Correspondence